

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

Case No. 08-CR-89

**ISAIAH SMITH,
Defendant.**

ORDER

On December 22, 2009, I sentenced defendant Isaiah Smith to 120 months in prison, the mandatory minimum (then) required by statute and the low end of his guideline range of 120-150 months. On February 11, 2015, defendant filed a request for sentence modification under 18 U.S.C. § 3582(c)(2) based on the 2-level reduction recently made retroactive by the Sentencing Commission. See U.S.S.G. § 1B1.10(d) (Amendment 782). Defendant is ineligible for a reduction because Amendment 782 does not have the effect of lowering his applicable range due to the statutory mandatory minimum. U.S.S.G. § 1B1.10 cmt. n.1(A); see also United States v. Foster, 706 F.3d 887, 888 (7th Cir. 2013); United States v. Forman, 553 F.3d 585, 588 (7th Cir. 2008), overruled on other grounds, United States v. Taylor, No. 13-2978, 2015 U.S. App. LEXIS 2195 (7th Cir. Feb. 11, 2015).

THEREFORE, IT IS ORDERED that defendant's motion (R. 810) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 17th day of February, 2015.

/s/ Lynn Adelman
LYNN ADELMAN
District Judge